வந்திருப்பதாக என் கவனத்திற்கு வரவில்லை. சட்ட விதி முறைகளின்படி நம்பிக்கையில்லாத் தீர்மானம் 180 பேர் அல்ல. குறிப்பிட்ட சில பேர்கள் கொடுத்தாலும் நான் பிடித்துத் தொங்கிக் கொண்டு வற்புறுத்திக் கொண்டிருக்கமாட்டேன் என்பதைத் தெரிவித்துக் கொள்கிறேன்.

திரு. ஜே. ஜேம்ஸ் : துணைத் தலைவர் அவர்களே நான் நன்றாகத் தெரிந்து கொண்டுதான் பேசுகிறேன். அப்படி அவர்கள் இருக்கமாட்டார்கள் என்றுதான் நான் குறிப்பிட்டேன்.

மாண்புமிகு பேரவைத் துணைத் தலைவர் : நான் இன்னொன்றையும் தெரிவித்துக் கொள்ள விரும்புகிறேன். நான் இந்தப் பேரவையில் நான்கு சுவர்களுக்குள்ளே எடுக்கக்கூடிய முடிவுக்குத்தான் கட்டுப்படுவேனே தவிர அங்கும் இங்கும் போக மாட்டேன் என்பதைத் தெரிவித்துக்கொள்கிறேன்.

(இ) அரசின் மீது நம்பிக்கை தெரிவிக்கும் தீர்மானத்தை முதலமைச்சர் கொண்டு வந்திருப்பது குறித்து.

மாண்புமிகு பேரவைத் துணைத் தலைவர் : 4–12–1972-ம் நாளன்று முதலமைச்சர் மாண்புமிகு டாக்டர் மு. கருணாநிதி அவர்கள் முன்மொழிந்த "திரு. மு. கருணாநிதி அவர்களை முதலமைச்சராகக்கொண்ட அமைச்சரவை மீது இப்பேரவை தனது நம்பிக்கையைத் தெரிவிக்கிறது" என்ற தீர்மானத்தை எடுத்துக் கொள்ளலாம்.

Dr. H. V. HANDE : Sir, on a point of order, I would like to know under what rule the Hon. Chief Minister is trying to move this Confidence Motion ? When he spoke here the other day when we were not present, he referred to Rajaji as a precedent. What we are right now concerned with is under what rule this is done. Our contention is this. There was a no-confidence motion against the Government much earlier. Without giving an opportunity to make my accusations against the Chief Minister, not against the Chair, when there was a no-confidence motion against the Chief Minister and his Government, somehow or other a situation arose when that no-confidence motion was not allowed to be taken up first. My contention and my charge against the Chief Minister is that he was afraid at that time to allow the no-confidence motion. For, the mover of that motion will get an advantage ; first he will speak and then the Government will be replying and finally the right of reply vests with the mover of the no-confidence motion. Here the Chief Minister is at an advantage. After all members have spoken then he replies at the end. In other words he has put himself in an advantageous position by doing this now. Therefore, I would like to know under what rule he is moving this motion of confidence, whether it is ultra vires of our rules or intra vires of our rules

THIRU R. PONNAPPA NADAR: Sir, it is the identical point which I want to raise before the House. I would like to invite the
30 attention of the House to Article 208 of the Constitution, which deals with Rules of Procedure. It says—

> "A House of the Legislature of a State may make rules for regulating, subject to the provisions of this Constitution, its procedure and the conduct of its business."

These rules have been promulgated under Article 208 of the Constitution. Our rules provide only for the moving of a no-confidence motion against the Ministry and there is no provision for the moving of a Confidence Motion.

So far as the Confidence Motion is concerned, it has a legal import which has been borrowed from the procedure that is prevalent in the Parliamentary Democracy of England. Whether such a novel procedure can be imported in view of the rules that have been framed under Article 208 of the Constitution, is a point which will have to be discussed. It had been stated previously when we were not attending the Assembly that there was a precedent somewhere in 1952 when the revered leader Rajaji, moved a Confidence Motion. So far as that matter is concerned, now we are governed by revised rules and I am in possession of the Rules which has been corrected up to 1st March 1971. When there is no specific provision in the rules, how can this Government depart from it? As there is no specific provision, it may not be in order to discuss the Confidence Motion here though three days have been allotted according to the decision of the Business Advisory Committee. This is an irregular thing which has been brought before the House. Now there has been a large-scale defection from the ruling party and probably the Hon. Chief Minister thought that he wanted to bring in a Confidence Motion so that the members of the ruling party may be pinned down to it. I would say that it is not proper. When there is no express provision either in the Constitution or in the rules, we shall not depart from them and we shall not import into this House a procedure that is prevalent in England. When the Hon. Thiru Si. Pa. Aditanar was the Speaker, he said that whatever be the precedent in the Mother of Parliaments, the House of Commons, it should not be imported into this House. So, I would say emphatically that when the rules or the Constitution do not provide for such a thing, it is out of order to move this Confidence Motion. Now I would like to have a ruling from the Chair.

THIRU M. A. LATHEEF: Sir, the observations, rulings, etc., of the previous Speakers have been duly taken cognizance of by the present Speaker. This particular rule has been invoked even during the Chief Ministership of our veteran leader Rajaji and that rule has been duly

taken cognizance of by the Presiding Officer now. Unless it is so deemed fit by the Chair itself to get it altered or to ask the House to reconsider it, it is valid and it is within the competence of the Chair to apply it or not.

Now with regard to the present motion of confidence moved by the Hon. Chief Minister, that particular rule has been applied and the Chair has duly accepted the same and has allowed the Hon. Chief Minister to move it under that rule.

Now coming to the scope and content of Article 208 of the Constitution, it is stated—

'(1) A House of the Legislature of a State may make rules for regulating, subject to the provisions of this Constitution, its procedure and the conduct of its business.

(2) Until rules are made under clause (1), the rules of procedure and standing orders in force immediately before the commencement of this Constitution with respect to the Legislature for the corresponding Province shall have effect in relation to the Legislature of the State subject to such modifications and adaptations as may be made therein by the Speaker of the Legislative Assembly....'

In this case even though rules are framed under the stewardship of the Chair, there is a great amount of discretion given to the Chair or the PresidingOfficer or the Speaker or anybody who is acting as the Speaker to use his authority to apply that particular rule or otherwise. Therefore, the motion moved by the Hon. Chief Minister under that particular rule, is perfectly valid. When the Chair has already admitted the motion and the Business Advisory Committee has fixed the date for its discussion, it is not proper to question that rule. The Chair is competent to admit the motion under that rule. Thank you, Sir.

THIRU N. GANAPATHI : Mr. Deputy Speaker, Sir, I am very much surprised to see that a learned member of the Bar and a hon. Member of this House has raised objection to the admission of the motion before the House. He quotes so many precedents in courts to win his case. Now here the Chair has quoted the precedent in 1952 while admitting the Confidence Motion. The Chair has followed that precedent and, therefore, his ruling in admitting this motion is supported by precedent as well as by convention.

Another submission is that there is a residuary clause in our rules giving wide powers to the Speaker or the Presiding Officer to regulate the proceedings of the House, which are not provided specifically in the rules. There is another provision in the Constitution which says that the powers and privileges of the House of Commons in England

shall be followed by this House unless and otherwise provided by the Legislature and by practice and convention. In England it is the general practice of the Prime Minister to seek confidence of the House whenever important matters are raised in the public platform. Therefore, that right of moving the Confidence Motion in the Legislature is conferred upon the Chief Minister also by virtue of the provisions of the Constitution. So also the Presiding Officer has got the residuary powers to control the proceedings of the House.

It is very unfortunate and regrettable that the Members of the Opposition deemed it fit not to attend the House the other day when the Motion was admitted and they coolly walked out of the House. Now to question the ruling of the Chair is highly objectionable. Therefore, I submit that the admittance of the motion is supported by Constitutional provisions and the rules and regulations framed by the Legislature. Thank you, Sir.

THIRU R. PONNAPPA NADAR: Now that my name has been dragged into the picture, I want to say a few words. The Hon. Minister has said that precedent has been already there. But the circumstance in which that precedent happened is entirely different. At that time only May's Parliamentary Practice was there. Our consolidated rules were not there at that time. That is my submission. There is a specific rule which has been framed under article 208 of the Constitution. In Chapter X there is provision for bringing in a 'no-confidence motion against the Ministry'. That is under Rule 55. But there is no provision to bring in a 'Motion of Confidence'. Perhaps Government may contend it is like any other motion. If it says so, I can understand that. Then why call it 'Confidence Motion', 'Vote of Confidence motion'. This motion is not provided for in our rules and so bringing in of this motion has no legality, no propriety. That is my submission.

The Deputy Speaker has given his decision to admit this motion' when we had staged a walk-out. We do not question that decision, We only bring in the legality and propriety. We say it is against the provisions of the Constitution. The necessity for bringing in this motion has to be examined. You have given your decision to admit. We do not question it. But we have a duty to expound the legal position. Of course two lawyers do not agree. I do not want to cast aspersion on that noble profession. But it is our duty to see that rules are complied with and when there is confusion, it is our duty to expound the law. We say that in this matter, our rules have not been complied with.

* THE HON. THIRU SI. PA. ADITANAR: In this matter, I would like to put a counter-question to the Leader of the Opposition, viz., under what rule can the Deputy Speaker reject a motion like this? Rule 68(3) says that in order that a motion may be admissible

it shall raise substantially one definite issue, etc. Here it raises one definite issue. That is all. It is just like any other motion and the Deputy Speaker cannot reject the motion under any rule. Regarding its admissibility, it has to be admitted like any other motion and the Deputy Speaker cannot reject it. I am asking the Oppositon leader to point out under what rule it can be rejected by the Hon. Deputy Speaker. I have quoted the rule which admits of the motion. The reverse should be proved by the Leader of the Opposition. Let him say 'here is a rule under which the Deputy Speaker should reject this motion even in the admission stage'. Can you point out any such rule? I have pointed out how it is admissible. Any motion can pertain to anything in the world, from a peanut to a ship, how a peanut should be eaten and how a ship should be run. The only point is it should point out one definite issue. If that is satisfied, it is admitted.

THIRU R. PONNAPPA NADAR : The position has been explained by the Hon. Minister for Co-operation, that under Rule 68 this motion can be moved. As regards his point, let me say that I am in Opposition. I am not bound to anwer any question the ruling party can put to me. So far as legality of the matter is concerned, let me state what Rule 68 (1) states.

It says: "Save in so far as is otherwise provided in the Constitution or in these rules, no discussion of a matter of general public interest shall take place except on a motion made with consent of the Speaker"

Another part of that rule says that it shall not anticipate discussion of matter which is likely to be discussed in the same session. What I say as there is already a motion of 'no-confidence' against the Ministry and a 'censure motion' against the Ministry has also been filed. Now Rule 68 is invoked since the Deputy Speaker has admitted the motion. Since it has been admitted. We are not entitled to question it. When a no-confidence motion is there against the Ministry, the Chief Minister moves a 'Vote of Confidence' motion. Our rules do not provide it. May be in England, in the Mother of Parliaments that custom may be there. But in our legislatures, inasmuch as our rules are specific and our rules do not provide for this kind of motion, moving of such a motion is contrary to our rules. There should be no departure from our rules and so I say this motion has no legality behind it.

<u>மாண்புமிகு டாக்டர் மு. கருணாநிதி :</u> தலைவர் அவர்களே, மாண்புமிகு காங்கிரஸ் கட்சியினுடைய தலைவர் பொன்னப்ப நாடார் அவர்கள், நம்பிக்கையில்லாத் தீர்மானம் ஒன்று இங்கு இருக்கின்ற நேரத்தில், கொடுக்கப்பட்டிருக்கின்ற நேரத்தில், நம்பிக்கை கோருகிற தீர்மானத்தைக் கொண்டுவருவதன் காரணமாக, நம்பிக்கையில்லாத் தீர்மானத்திற்கு இடம் அளிக்காத ஒரு சூழ்நிலையை உருவாக்கியிருப்பதாக ஒரு கருத்தை அவர்கள் இங்கு வெளியிட்டார்கள். நம்பிக்கையில்லாத் தீர்மானம் கொடுக்

கப்பட்டிருப்பது உண்மை. அதை மாண்புமிகு காங்கிரஸ் கட்சித் தலைவர் அவர்களோ, சுதந்திராக் கட்சித் தலைவர் அவர்களோ இங்கே இப்போதும் கொண்டு வருவதற்கு எல்லா உரிமையும் பெற்றுத்தான் இருக்கிறார்கள். அவர்கள் அதை இப்போது கொண்டு வருகிறோம் என்று கூறுவார் களேயானால் அதற்கு வழி விட்டு, அதை இந்த மன்றத்தில் எடுத்துக் கொள்ள வேண்டுமென்பதற்கு நிச்சயமாகத் தயாராக இருக்கிறோம். ஆனால் இன்றைக்கு நம்பிக்கை கோருகின்ற தீர்மானம் கொண்டு வந்திருப் பதற்குக் காரணம், நம்பிக்கையில்லாத் தீர்மானம் கொடுக்கப்பட்டிருந் தாலும் அதை அவர்கள் இங்கே முன்மொழிகிற நேரத்தில் அதற்குரிய எண்ணிக்கை பலம் இன்றைக்கு அவர்களுக்கு இல்லையென்ற காரணத் தால்தான், நம்பிக்கை கோரும் தீர்மானத்தின் மூலமாக அவர்கள் எடுத்துச் சொல்ல விரும்புகின்ற கருத்துக்களுக்கு வாய்ப்பளிக்கும் எண்ணத் தில்தான் இந்த நம்பிக்கை கோரும் தீர்மானம் கொடுக்கப்பட்டிருக் கிறது. ஆகவே, இது நம்பிக்கையில்லாத் தீர்மானத்திற்கு விரோதமானது அல்ல என்பதைத் தெரிவித்துக் கொள்கிறேன்.

டாக்டர் ஹாண்டே அவர்கள் கூடச் சொன்னார்கள். நம்பிக்கையில்லாத் தீர்மானத்தில் எங்களுக்குக் கிடைக்கின்ற வாய்ப்புகள் நம்பிக்கை கோருகின்ற தீர்மானத்தில் வழங்கப்பட மாட்டாது என்று சொன்னார்கள். ஒழுங்குப் பிரச்சினையில் எவ்வளவு வாய்ப்பு, எவ்வளவு மணி நேரம் இந்த மாமன்றத்தில் அளிக்கப்படுகிறது என்பதை உணர்ந்திருக்கிற, அந்த உரிமையை அனுபவித்துக் கொண்டிருக்கிற நம்முடைய டாக்டர் ஹாண்டே அவர்களும், மாண்புமிகு எதிர்க்கட்சி உறுப்பினர்களும், நம்பிக்கை கோருகின்ற தீர்மானத்தில் வாய்ப்பு அவர்களுக்கு அளிக்கப்பட மாட்டாது என்று கூறுவது அவ்வளவு பொருத்தமாக இல்லை. அவர் கள் எந்தெந்த வகையில் வாய்ப்பு வேண்டுமென்று கேட்கிறார்களோ அந்தந்த வகையில் வாய்ப்புகள் வழங்க அவையின் சார்பில் உறுதி யளிக்கிறேன் என்பதை மாத்திரம் கூறிக்கொள்கிறேன்.

மாண்புமிகு பேரவைத் துணைத்தலைவர்: இதைக் குறித்து 4—12—1972 அன்றே தீர்ப்புக் கூறியிருக்கிறேன். இதற்கு விதிமுறை களில் தனி விதி இல்லை என்பதை ஒப்புக் கொண்டாலும் இதே பிரச்சினை 1952-ல் வந்தபோது அப்போது சபாநாயகராக இருந்த மாண்புமிகு திரு. சிவசண்முகம் அவர்கள் மிகத் தெளிவாக அதைக் குறித்துச் சொல்லியிருக்கிறார்கள். இலண்டன் பாராளுமன்ற முறைகளைப் பின் பற்றுவதில் தவறு இல்லை. ஆகவே, இது பாயிண்ட் ஆப் ஆர்டர் இல்லை யென்று தீர்ப்புக் கூறுகிறேன்.

(4) அரசினர் தீர்மானங்கள்.

(அ) விதி 23 (1)ஐ நிறுத்திவைத்தல் குறித்து.

THE HON. DR. V. R. NEDUNCHEZHIAN: Mr. Deputy Speaker, Sir, I move the following motion:

"That Rule 23(i) be suspended and Government Business shall have precedence and be transacted today."

The motion was put and carried.